

Notice of Allowability

Application No.

10/730,204

Examiner

William L. Miller

Applicant(s)

HUGGINS, MORRIS

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to filing of 08-02-2005.
2. ☒ The allowed claim(s) is/are 1,3-5,7-13 and 16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10-05-2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dale DiMaggio on 10-05-2005.

The application has been amended as follows:

In the specification:

Page 1, line 4 (per applicant's line numbering), before "." Insert --, now U.S. Patent No. 6,662,416--.

In the claims:

Claim 1, line 1, change "A" to --An underwater-- and after "module" insert --for memorializing a deceased and--;

Claim 1, line 4, after "portion" insert --providing a flange overhanging the base portion-- and delete "and";

Claim 1, line 5, change "." to --; and wherein cremation urns are located within the base portion.--;

Cancel claim 2;

Claim 3, line 2, after "more" insert --additional--;

Claim 5, line 2, after "bars" insert --.--;

Cancel claim 6;

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Claim 9, line 1, change "further comprising" to --wherein the--;

Claim 9, line 2, after "urns" insert --are--;

Cancel claims 14-15;

Claim 16, line 1, change "habitat" to --module-- and change "15" to --8--; and

Cancel claims 17-25.

2. The following is an examiner's statement of reasons for allowance: Regarding claim 1, Volpe et al. (US#6261028) represents the closest prior art of record. Volpe discloses an underwater module for memorializing a deceased comprising: a base portion 24,30; a "generally" tabular middle portion 12 providing a flange overhanging the base portion as shown in Fig. 3; an upper portion 11 having an interior void 13; and cremation urns (Fig. 6) located within the middle/upper portion.

3. Although Volpe fails to disclose the upper portion being upwardly sloping, the shape of the upper portion is not a critical feature of the invention as admitted by the applicant on page 16, lines 5-7, of the instant application. Therefore, it would have been an obvious design choice to modify Volpe such that the upper portion was shaped in an upwardly sloping fashion.

4. Volpe also fails to disclose the cremation urns are located in the base portion as claimed by the applicant. Moreover, as stated above, Volpe locates the cremation urns in the middle/upper portion. It would not have been obvious to one of ordinary skill in the art to modify Volpe such that the cremation urns were located in the base portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

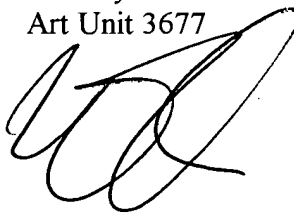
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLM

William L. Miller
Primary Examiner
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A handwritten signature in black ink, appearing to be 'WLM', is written over the printed name and title of the examiner.